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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,054	12/23/2005	Naoki Hashiguchi	025260-105	4344
21839	7590	01/24/2008	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC			KRUER, STEFAN	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			3654	
NOTIFICATION DATE	DELIVERY MODE			
01/24/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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WD

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/562,054	HASHIGUCHI, NAOKI
	Examiner Stefan Kruer	Art Unit 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 November 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 5 - 6, 9 - 10, 15 - 18 and 20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1, 5 - 6 and 16 is/are allowed.
- 6) Claim(s) 9 - 10, 15, 17 - 18 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 

Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)
 

Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Terminal Disclaimer***

The terminal disclaimer filed on 13 November 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 7,225,902 (formerly US Patent Application No. 10/567,034) has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 15** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 15** recites the limitation "the" in "the vertical projection plane". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9 – 10 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Masumoto (JP-64069489) in view of Tomaseti (5,975,249).

**Re: Claim 9,** Masumoto discloses an elevator apparatus comprising:

- A car (21, Fig. 2) having a his wall portion (22a), for being raised and lowered within a hoistway (30) having a front face (opposite 5) provided with a car entrance (22a),
- A car guide rail (31) installed within the hoistway, for guiding the car when the car is raised and lowered; and
- A car guide shoe (29) mounted on the car, for engaging the car guide rail, wherein
- The wall portion is provided with a recess (25) and has a front face provided with a car entrance (approx. 5), a rear face facing the front face (approx. 22), a first side face (left, approx. 25) and a second side face (right, approx. 25) facing the first side face;
- a rear face (by 22) facing the front face,
- the recess includes a first recess provided in the first side face, and a second recess (25) provided in the second side face;

however, Masumoto is silent with respect to his guide shoe at least partially disposed in his recess.

Attention is directed to Tomaseti who teaches his car guide shoes (15) disposed within his recess (8) (8) for feature of his rucksack (cantilevered) suspension, compactness and accommodating loads within a sheet metal framework.

It would have been obvious to one of ordinary skill in the art to modify the reference of Masumoto with the teaching to Tomaseti for versatility and space savings.

**Re: Claim 10,** Masumoto discloses:

- the car guide rail includes a first car guide rail opposed to the first recess, and a second car guide rail opposed to the second recess;
- the car is provided on the first side face side with a first suspending portion (24, Fig. 1 & 2) to which a first main suspending member (33, Fig. 1 & 2) for suspending the car is connected;

- the car is provided on the second side face side with a second suspending portion (24) to which a second main rope suspending member (33) for suspending the car is connected;
- and the first car guide rail and the second car guide rail have a pitch between car guide rail rear faces which is set equal to or smaller than a car suspension pitch (rope portion running behind guide rail, Fig. 1).

**Re: Claim 17**, though Matsumoto is silent regarding a car door drive and a plurality of car doors that overlap one another in a door-open state, the implementation of car door drives and overlapping doors are well known in the art.

**Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno in view of Tomaseti, as applied to Claim 10, and in further view of Hymans (US 2,270,441).

Mizuno is silent regarding a safety device.

Tomaseti teaches his safety device (21, 24) for arresting the travel of his car, wherein his safety device is at least partially disposed in his recess.

Further consideration is directed to Hymans who teaches his safety device (17) disposed at least partially within his groove portion of his recess (18) as seen in a vertical projection plane, wherein his safety device engages his rail to stop his car as an emergency measure as known in the art.

It would have been obvious to one of ordinary skill in the art to modify the reference of Mizuno and Tomaseti with the teaching of Hymans to provide a safety device as known in the art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 15** is rejected under 35 U.S.C. 102(b) as being anticipated by Niigato Engineering Co. Ltd. (JP 50-124063, henceforth Niigato).

Niigato discloses an elevator apparatus comprising:

- a car (5) having a wall portion, for being raised and lowered within a hoistway;
- a car guide rail (4) installed within the hoistway, for guiding the car when the car is raised and lowered; and
- a car guide shoe (6) mounted on the car, for engaging with the car guide rail, wherein the wall portion is provided with a recess;
- the car guide shoe is at least partially disposed in the recess on a vertical projection plane;
- the car is provided with a suspending portion (13) to which a main suspending member (7) for suspending the car is connected; and
- the suspending portion is disposed in the recess common to the car guide shoe on the vertical projection plane.

**Claim 18** is rejected under 35 U.S.C. 102(b) as being anticipated by Masumoto.

Masumoto discloses:

- a drive device having a drive sheave (32);
- a first main suspending member (33) and a second main suspending member (33) wound around the drive sheave;
- a car (21) having a first suspending member connecting portion (24) to which the first main suspending member is connected and a second suspending member connecting portion (24) to which the second main rope suspending

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member is connected, for being raised and lowered within a hoistway through a driving force of the drive device;

- and a first car guide rail (31) and a second car guide rail (31) installed within the hoistway, for guiding the car when the car is raised and lowered,
- wherein the first car guide rail and the second car guide rail have a pitch between car guide rail rear faces which is set equal to or smaller than a car suspension pitch defined by the first main rope suspending member and the second main rope suspending member, in a width direction of the car (rope portion running behind guide rail, Fig. 1).

***Allowable Subject Matter***

**Claims 1, 5 – 6 and 16** are allowed.

***Response to Arguments***

Applicant's arguments filed 13 November 2007 have been fully considered but they are not fully persuasive.

With respect to Claim 9, Examiner concurs with the applicant that Matsumoto discloses his guide shoes mounted above his elevator car; however, the guide shoes are disposed within the recess as seen in a vertical projection plane. Nevertheless, Tomaseti teaches the disposition of guide shoes within his recess.

Examiner concurs with applicant's argument with respect to Claim 15; however, with respect to Claim 18, Examiner maintains that the first and second main suspending members are depicted in figure 1 of Matsumoto as having a pitch greater than the intermediary guide rails and therefore Matsumoto meets the claim language.

With respect to Claim 20, whereas Tomaseti teaches his safety device disposed within his recess, Hyman teaches his safety device disposed within his recess as seen in a vertical projection plane, whereby his safety device is to engage his guide rail.

***Conclusion***

In view of the amendments to Claims 9, 10 and 20, wherein the amendments to Claim 9 require additional grounds for rejection, as well as arguments with respect to non-amended Claim 18 not overcoming the cited prior art of record, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Darwent et al (4,249,640) is cited for reference of a car having first and second chamfered portions located along a diagonal of their cage, as well as guide shoes and a safety device disposed within their chamfered portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

17 January 2007



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